

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA : CRIMINAL NO. 08-21-1-JJF
v. :
JACQUAN SMITH :

ORDER

AND NOW, this day of , 2008, the court being advised that discovery is not complete in this case and that the Government does not oppose the defendant's motion for a continuance, the Court finds that these reasons cause the ends of justice to best be served by granting a continuance in this matter, that they outweigh the interests of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. §316(h)(8)(A).

BY THE COURT:

J.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA : CRIMINAL NO. 08-21-JJF
v. :
JACQUAN SMITH :

MOTION FOR CONTINUANCE
PURSUANT TO 18 U.S.C. § 3161(h)(8)(A)

Defendant, Jacquan Smith, (hereinafter “Smith”), by his attorney, Elayne C. Bryn, Esquire, respectfully requests a continuance in this matter. In support of this motion, the government avers as follows:

1. On February 5, 2008, defendant, Jacquan Smith, was charged in a three count indictment for knowingly possessing with intent to distribute a mixture and substance containing a detectable amount of cocaine base (“crack”) a schedule II narcotic controlled substance, in violation of 21 U.S.C. §841(a)(1) and (b)(1)(C), knowingly attempting to possess with intent to distribute marijuana, a controlled substance, in violation of 21 U.S.C. §841(a)(1) and (b)(1)(D), and for knowingly possessing a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. §924(c)(1)(A).
2. The defendant has been detained pending trial pursuant to the Bail Reform Act, 18 U.S.C. § 3142(e).

3. Defendant was arraigned on February 19, 2008.
4. Pre-trial motions were ordered to be filed on March 21, 2008.
5. On March 25, 2008 undersigned counsel was appointed to represent Mr. Smith in the above-captioned matter.
6. Since being appointed to represent Mr. Smith in this matter, undersigned counsel has contacted the Assistant U.S. Attorney, Ilana H. Eisenstein, who is assigned to this case. Counsel is presently obtaining discovery from the Government. It is necessary for defense counsel to receive and fully review all discovery material with the defendant.
7. Counsel may file pre-trial motions after obtaining all discovery.
8. The Assistant United States Attorney has advised counsel that she has no objection to the granting of this motion.
9. The ends of justice are served by taking such action and such action outweighs the best interest of the public and the defendant in a speedy trial.

WHEREFORE, it is respectfully requested that the time to file pre-trial motions in this matter be continued for a period of forty-five (45) days and the time requirements of the Speedy Trial Act, pursuant to 18 U.S.C. 3161 are waived.

Respectfully submitted,

/s/ Elayne C. Bryn

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CERTIFICATE OF SERVICE

I, ELAYNE C. BRYN, ESQUIRE, attorney for defendant, hereby certify that on the 1st day of April 2008, I caused to be electronically filed a Motion For Continuance Pursuant to 18 U.S.C. § 3161(h)(8)(A) with the Clerk of the Court. I further certify that a copy of the foregoing was sent via U.S. mail to counsel of record as follows:

Ilana H. Eisenstein, Asst. United States Attorney
Office of the United States Attorney
District of Delaware
P.O. Box 2046
Wilmington, DE 19899

/s/ Elayne C. Bryn
ELAYNE C. BRYN, ESQUIRE
Attorney for Defendant,
Jacquan Smith

Date: April 1, 2008